

## MINUTES

### LEXINGTON COUNTY COUNCIL January 14, 2003

Lexington County Council held its regular meeting on Tuesday, January 14, 2003, in Council Chambers, beginning at 4:30 p.m. Vice Chairman Davis presided; Mr. Cullum gave the invocation. Mr. Rucker led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	Bruce E. Rucker
	William C. Billy Derrick	Jacob R. Wilkerson
	Johnny W. Jeffcoat	John W. Carrigg, Jr.
	Joseph W. Joe Owens	M. Todd Cullum

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

**Introduction of New Council Members - Vice Chairman Davis** - Mr. Davis introduced new Council members, Joe Owens and Todd Cullum and opened the meeting for comments from them.

Mr. Owens stated that he was certainly happy to be a member of County Council, he served on West Columbia City Council for almost a decade and it was a pleasure and privilege to serve there and he felt the same way about being a member of County Council. His district encompasses the City of West Columbia and some 15,000 people outside the city limits. He stated that he was happy to be here and would try to help anyone who needed help during his tenure on Council.

Mr. Cullum thanked the people of District 9 for placing this honor upon him to represent them and hoped that he could not only work for them but for all the people of Lexington County. He stated that he was pleased to be here with the very competent and praiseworthy men that he was sitting with and he looked forward to opportunities before him and hoped that he could contribute in a small way to the enhancement of the quality of life for the people in Lexington County. He stated some people in Lexington County may not know what took place last week in a situation where members of this Council were attempting to enhance the quality of life in the county. He stated those individuals stood out in a very professional way and represented the county very well and he was proud to say that he sits on a Council with them and that was Mr. Johnny Jeffcoat; he represented the County very well in our attempt to try to place some economic development here with the state farmers market. Mr. Cullum stated that he also wanted to note Ms. Tammy Coghill, he had the opportunity to spend some time with her, some elected officials and she was a real asset to the county as the Director of Economic Development.

**Election of Officers - Chairman** - Mr. Davis opened the floor for nominations for Chairman. Mr. Rucker nominated Mr. Davis; seconded by Mr. Carrigg.

Mr. Davis called for further nominations; no further nominations were made. Mr. Davis called for the vote.

In Favor:	Mr. Rucker	Mr. Carrigg
	Mr. Derrick	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	
Abstaining:	Mr. Davis	

Mr. Davis expressed his appreciation to Council for electing him Chairman.

**Vice Chairman** - Mr. Davis opened the floor for nominations for Vice Chairman. Mr. Jeffcoat nominated Mr. Carrigg; seconded by Mr. Derrick.

Mr. Davis called for other nominations; none were made. Mr. Davis called for the vote.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Owens
	Mr. Cullum	
Abstaining:	Mr. Carrigg	

**Appointment of Parliamentarian** - Mr. Davis stated that the appointment of the parliamentarian would occur at a later meeting.

**Employee Recognition - Art Brooks, County Administrator** - Ms. Jenny Russ, Coordinator, Adult Drug Court, received a note from a mother whose son successfully completed the drug court program. The mother indicated that Jenny took the time needed to talk about her son and his situation.

Sherri Armstrong and Bill Caldon, Engineering Associates II in the Storm Water Management Division of Public Works were commended by a citizen for their courtesy and expertise.

**Chief Tim James, Lexington County Sheriff's Department - Reaccreditation; Other Awards** - Chief James recognized Sgt. Jeff Flanders. Chief James stated that Sgt. Flanders was throughout Lexington County on a daily basis, visiting schools, parents, etc. The Chief stated that the South Carolina FBI Director is allowed one law enforcement officer throughout the state to receive the Director's Community Leadership Award and this year the director chose Sgt. Jeff Flanders, a wonderful human being, an excellent law enforcement and a mentor for many children throughout Lexington County. Chief James stated that he was a dear friend, and he believed Sgt. Flanders had touched each Council member's heart in some way, if not the Council member's heart, their child's heart, because he has probably touched some 700,000 children throughout his many years in law enforcement. Chief James stated that it was an honor for him

to present the plaque to Sgt. Flanders.

Chief James stated that the department has received the Teacher and Business Partner Award of the Year. He stated that Sheriff Metts received the award January 10 from the teacher of business of School District 1 as being their business partner of the year. Chief James stated that the department has worked with the schools in District 1 for the past several years.

Chief James stated that the South Carolina Law Enforcement Officers Association and Verizon has presented the department with the Crime Prevention Award for 2002; for the crime prevention ideas and suggestions the department has put in place.

Chief James stated that in 1999 the department sought national accreditation. He stated this accreditation promotes better law enforcement within a particular county, gives a stronger defense against law suits and citizen complaints. Chief James stated that in 2002, citizen complaints decreased against officers by 32%. It gives much better accountability within the agency, it supports government officials. Accreditation increases community advocacy and recognition for excellence. He stated over the past several months accreditation council representatives have been in Lexington County reviewing records, talking to officers, speaking with citizens, etc. Chief James stated that they were very proud to receive reaccreditation.

Mr. Davis congratulated Sheriff Metts and Chief James for the team they have built and wished the department continued success.

**Comments - Mr. Jeffcoat - Justice Committee Item - Law Enforcement/Grant/Domestic Violence Intervention Team (DVIT)** - Mr. Jeffcoat stated that Chief James requested that an item scheduled before the Justice Committee for a grant for law enforcement be withdrawn. Mr. Jeffcoat stated that for the first few years of the grant he did not believe it was going to cost anything, however, in long term planning, the decision had been made that this may be something that the department could live without and he thanked Chief James, the Sheriff and the staff involved in that decision that this is the type thinking we need to do more of, not only in the Sheriff's Department but throughout the county. He stated that Council appreciated the department taking the step. Mr. Jeffcoat stated that all the grants were good, but it's good judgment a lot of times to decide maybe this is something we can live without.

**Presentation of CAFR and Management Report - Ken Prince, Brittingham, Dial & Jeffcoat** - Mr. Prince expressed appreciation for Council allowing the firm to represent the county as independent auditors and also extended thanks to Mr. Porth and staff of the Finance Department as well as staff in other county offices that enabled them to complete the audit. He stated that the financial statements were prepared by the Finance staff and audited by the audit firm which also provides an opinion on the premise of their presentation.

Mr. Prince stated that their report issued an opinion with no qualifications, however, their report on compliance and internal controls reflected several reportable conditions and no compliance findings. He stated that the audit found the county was fiscally responsible and budgetarily conscious. The General Fund, Special Revenue Fund reflect favorable budget actual variances which indicates fiscal responsibility and stayed within budget constraints.

He stated that in the General Fund revenues exceeded expenditures after transfer by approximately \$13 million resulting in a fund balance of \$33,237,330 of which \$15,679,863 is undesignated/unreserved; basically that undesignated/unreserved amount would be available to handle normal operations. Mr. Prince stated that the \$15 million represented approximately 78 days of expenditures which was particularly relevant due to the fact that property taxes, which represent about 60% of the revenues, are collected about mid-way through the year so it was necessary to keep a fund balance to carry the county through the first six months of the year.

Mr. Prince stated that in the Special Revenue Fund, expenditures exceeded revenues and the fund balance decreased about \$4 million which was primarily due to large expenditures in the tourism development fund for the convention center/arena.

He stated that the Proprietary Fund reflected revenues over expenditures of approximately \$1 million and an ending retained earnings of \$5,925,750.

Mr. Prince stated that the statistical section is not audited by them, it is prepared by the Finance Department staff and provides analytical data over, in most cases, a ten-year period.

He stated that they provided the county with a management letter, a recapitulation of the findings in question, and the only thing new was a request that when dealing with outside agencies such as Pre-Trial Intervention those agencies that have county employees on their staff and the county is furnishing them space that it be a requirement that annual audited information be received from those agencies because of the possible contingent liabilities relating to payroll, etc. He added that those audit reports have not been received for the last two years.

Mr. Prince stated that he would be glad to answer any questions, or come back at a later time for questions, etc.

Mr. Davis stated that he would like to take Mr. Prince up on his offer to come back at a later time.

Mr. Prince stated that this was a standing offer - that any time during the year that Council would like for them to return, they would.

Mr. Davis stated that if there was anything that the audit firm needed to convey to Council that they were welcome to do so at any time.

**Appointments - Library Board; Planning Commission** - Mr. Rucker nominated Ms. Joanne Clark to the Library Board; Mr. Warren Cope to the Planning Commission; seconded by Mr. Jeffcoat.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:      Mr. Davis                      Mr. Rucker  
                    Mr. Jeffcoat                      Mr. Derrick  
                    Mr. Wilkerson Mr. Carrigg  
                    Mr. Owens                      Mr. Cullum

**Central Midlands Council of Governments** - Mr. Rucker nominated Mr. Carrigg, Mr. Cullum and Mr. Jeffcoat to Central Midlands for the terms that had expired (Mr. Carrigg, Mr. James, Mr. Jeffcoat); seconded by Mr. Wilkerson.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:      Mr. Davis                      Mr. Rucker  
                    Mr. Wilkerson Mr. Derrick  
                    Mr. Jeffcoat                      Mr. Carrigg  
                    Mr. Owens                      Mr. Cullum

**Board of Zoning Appeals** - Mr. Wilkerson nominated Mr. Clark Surratt to the Board of Zoning Appeals; seconded by Mr. Derrick.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:      Mr. Davis                      Mr. Wilkerson  
                    Mr. Derrick                      Mr. Rucker  
                    Mr. Jeffcoat                      Mr. Carrigg  
                    Mr. Owens                      Mr. Cullum

**Bids/Purchases/RFP's** - A motion was made by Mr. Rucker and seconded by Mr. Carrigg that staff recommendation be accepted and the following bids be approved:

**Solid Waste Management - Two 2003 Ford F-450 One Ton Trucks - Replacements** - Staff recommended the purchase of the two trucks through State Contract (Pulliam Motor Company) at the cost of \$34,022.00 each including applicable sales tax;

**Public Safety/Fire Service - Two 2003 Ford F-450 One Ton Trucks - Replacements** - Staff recommended the purchase of the two service trucks through State Contract (Pulliam Motor Company) at a cost of \$44,840.50 and \$41,926.50 including applicable sales tax.

**Public Safety/Fire Service; Law Enforcement - Bunker Gear** - Staff recommended multiple awards to the lowest bidders meeting specifications - Quest Enterprises \$38,783.85; Charlotte Equipment Sales \$5,101.95; Anderson Fire Equipment \$1,108.80. Total including sales tax, \$48,105.42.

**North Lake Service Center - Emergency Purchase - Ductile Iron Water Line Materials w/Various Accessories** - Staff recommended the award of the bid to the low bidder, Pipeline Supply Company in the amount of \$68,982.

**Law Enforcement - Forensic Drug Lab Chemicals and Supplies** - Staff recommended the

purchase through State Contract vendor VWR International in the amount of \$63,063.51 including sales tax.

**Law Enforcement - UV/VIS Spectrometer System and GC/MS System** - Bids were solicited and advertised for the purchase of UV/VIS Spectrometer System and GC/MS System for the Sheriff's Department. One bid was received. Staff recommended the award to the lowest bidder, Agilent Technologies in the amount of \$104,807.86 which includes sales tax. Spectrometer, \$15,565.10; GC/MS System, \$89,242.76.

**Various Departments - Microfilm Equipment** - Bids were solicited and advertised for the purchase of Microfilm Equipment for the Sheriff's Department, Microfilm Department and Treasurer's Office. Staff recommended the bid be awarded to Palmetto Microfilm Systems, Inc., as providing the lowest bid for the total cost of \$86,205; \$25,515 Microfilm; \$13,545 Treasurer; \$20,580 Sheriff; \$26,565 Sheriff.

Mr. Davis opened the meeting for discussion on any of the above bids; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Jeffcoat
	Mr. Owens	Mr. Cullum

**Digital Orthophoto Imagery - Term Contract - Tentative - Contingent upon Planning and Administration Committee Action** - Mr. Rucker reported that the Planning and Administration Committee met during the afternoon and the Committee has recommended a change; the Committee is in agreement with accepting staff recommendation of awarding the bid to Charles H. Sells, Inc., but that the performance bond in the amount of \$3,310 be deleted for a total project cost of \$427,210.

A motion was made by Mr. Rucker and seconded by Mr. Jeffcoat that the Committee report as outlined above be adopted.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Carrigg
	Mr. Owens	Mr. Cullum

**Chairman's Report - Council Committees** - Mr. Davis noted that Council members serve on various committees and asked that they continue to serve on current committees and each chairman to continue as chairman of the particular committee to add consistency to the 2003 endeavors.

**Survey - Issues** - Mr. Davis stated that he would be distributing a survey asking each Council member about particular issues of importance and efforts would be made to prioritize those as the year continues.

**Declaratory Judgment Action - Councilman Owens** - Mr. Carrigg stated that he was asked to

report on the declaratory judgment action regarding the issue of whether Councilman Owens is in a situation of dual office holding. He stated that a hearing was held earlier in the day before a judge sitting in Lexington County. Mr. Carrigg stated that he was officially informing the Council that with respect to that issue the declaratory judgment action had two parts - one was a request for a temporary order which basically sets the playing field or sets the field in a certain position until there is a final order after all issues are litigated. He stated that in the temporary order the judge ruled that the county's position in the declaratory judgment action which was the equivalent of the position taken by the Attorney General's office that the county was likely to prevail upon that, that there was an issue of immediate harm if the status quo was not changed and basically the judge ruled that the status quo would be changed and that as of today, Mr. Owens would not be allowed to serve on the Joint Water and Sewer Commission and County Council at the same time.

Mr. Carrigg asked for a point of privilege which was granted by the Chairman. A motion was made by Mr. Carrigg and seconded by Mr. Jeffcoat that Council ratify the actions previously taken by the Council to employ an attorney and move forward with a declaratory judgment action to resolve the issue as to whether or not Councilman Owens was in a situation of dual office holding in accordance with the previously obtained Attorney General's opinion which was received from the Attorney General's office.

Mr. Davis opened the meeting for discussion.

Mr. Owens stated that it would be totally unnecessary for Council to go any further, that he had informed Mayor Rish that he would no longer pursue the matter, that he would resign from the Water and Sewer Commission effective at the next meeting; that he would not attempt to chair the meeting nor would he attempt to vote on anything.

Mr. Carrigg stated with that being said he would make a motion to dismiss the entire matter and dismiss the law suit immediately; seconded by Mr. Rucker.

Mr. Carrigg asked if Council needed any legal advice in regard to the matter.

Mr. Owens stated that he would be glad to sign a document saying that he would no longer attempt to discharge his duties and he would resign the post as the Commission Chairman effective at the next meeting and would not vote on any issues.

Mr. Davis opened the meeting for further discussion; none occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Rucker	Mr. Jeffcoat
	Mr. Derrick	Mr. Wilkerson
	Mr. Owens	Mr. Cullum

**Attendance - Calendar Year 2002** - Mr. Davis stated that the vice chairman keeps up with attendance and for calendar year 2002 only one councilman had perfect attendance. Mr. Davis congratulated Mr. Derrick for being present at every meeting during 2002.

**Retirement - Bucky Hutto** - Mr. Wilkerson stated that Chief Hutto retired from the Fire Service

after 25 years, he attended the retirement dinner and also presented him with a resolution. A motion was made by Mr. Wilkerson that Council officially adopt the resolution so that it could be presented at the next Council meeting; seconded by Mr. Carrigg.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Carrigg	Mr. Rucker
	Mr. Derrick	Mr. Jeffcoat
	Mr. Owens	Mr. Cullum

**Administrator's Report - Campus Construction** - Mr. Brooks stated that the courthouse is on schedule, probably ahead of schedule, the contractor has assured that he will turn the keys over to the county and will have a certificate of occupancy on November 1, 2003. He stated that staff was making plans to phase in the move at that point in time. The expansion on the Administration Building is several weeks behind schedule. It is expected that the contractor will catch up since workers are now on the smaller floors (floors one and two were larger, the next four floors are smaller pours) and they hope to catch up and meet the November 1 deadline also. Mr. Brooks stated that the construction was still within budget and expected that to continue.

**Budget Amendment Resolutions** - Decrease in the amount of \$302,210 to help bring the state budget back into balance due to revenue projection reductions, the Budget and Control Board approved a 2.98% reduction in the aid to subdivisions.

**North Lake Service Center** - Appropriation Transfer in the amount of \$112,196 for \$75,000 to pay for the installation of a water line and tap fees to be installed by the City of Columbia and the Public Works Department; also transferring \$35,000 for the installation of the sewer line and \$2,196 for the installation of the gas line.

**Rural Development Funds** - Supplemental Appropriation totaling \$277,375; \$249,000 from Mid-Carolina Electric Co-op; \$8,125 from Berkeley Electric Co-op; \$7,750 from Central Electric Power Co-op; \$12,500 from Newberry Electric Co-op.

**Grant - National Oceanic & Atmospheric Administration** - Supplemental Appropriation of \$10,000 to book funds received from the National Oceanic and Atmospheric Administration through the State Geodetic Survey office to help defray costs of developing an accurate base mapping system. Appropriated to the Assessor's office for aerial photography.

**Aerial Photography - Phase One** - Appropriation transfer of \$35,000 from the General Fund contingency account to provide the balance of funds required for the aerial photography project in phase one.

**Grant - Lexington Medical Center** - Supplemental Appropriation in the amount of \$900,000 - Lexington Medical Center has provided a grant to the County for the purpose of improving the health care in the county.

**Correction of Minutes - Meeting of December 10, 2002 - Councilman Rucker** - Mr. Rucker asked that the December 10, 2002 minutes reflect his abstention from voting and deliberating - I am hereby asking the chairman to excuse me from voting and deliberating on the matter of the Resolution - enlarge Joint Industrial Park (Lexington/Newberry) to include Pioneer Frozen



Foods because of a potential conflict of interest because of the following: My company has done work at Pioneer Frozen Foods. I am furnishing this statement to the Chairman and I request that this statement be printed in the Minutes of this meeting. S/Bruce E. Rucker

**Approval of Minutes - Meeting of December 10, 2002 (as amended)** - A motion was made by Mr. Rucker and seconded by Mr. Carrigg that the Minutes of the December 10, 2002, meeting be amended as outlined above and that the Minutes of the meeting of December 10, 2002, as amended, be approved.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	Mr. Jeffcoat
	Mr. Owens	Mr. Cullum

**Committee Reports - Planning & Administration, B. Rucker, Chairman - Zoning Map Amendment M02-08 - 123 Rawhide Court - Nunn - 2<sup>nd</sup> Reading** - Mr. Rucker reported that members of the Planning and Administration Committee convened on Tuesday, December 10, 2002, to consider Zoning Map Amendment M02-08. The applicant, James B. Nunn, III, requested that 123 Rawhide Court be reclassified from RD (Restrictive Development) to ID (Intensive Development). Mr. Nunn indicated on the application that he would like to have 123 Rawhide Court in the same classification as the adjoining property which is also owned by his family.

No one spoke in opposition to the zoning amendment at the public hearing held on November 12, 2002.

The Planning Commission considered the amendment on November 21, 2002 and voted to recommend approval.

It is the recommendation of the Planning and Administration Committee that Zoning Map Amendment M02-08 be approved and that Council proceed with second reading.

A motion was made by Mr. Rucker and seconded by Mr. Derrick that the Committee Report be approved and that Council proceed with second reading of Zoning Map Amendment M02-08. Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	Mr. Cullum

**Health & Human Services, J. Wilkerson, Chairman - Ordinance 02-7 - Exotic Animals - 3<sup>rd</sup> & Final Reading** - Mr. Wilkerson stated that the Health and Human Services Committee met earlier in the day to discuss Ordinance 02-7, an ordinance to regulate exotic animals. He stated that the committee voted to recommend that Council proceed with the adoption of Ordinance 02-7.

A motion was made by Mr. Wilkerson and seconded by Mr. Cullum that Ordinance 02-7 - Exotic Animals be given third and final reading.

Mr. Davis opened the meeting for discussion.

Mr. Rucker stated that he had informed several members of the committee that he would support what was recommended. He stated that he had friends and others that owned exotic animals and two friends with those type animals did not live very far from him. Mr. Rucker stated that there had not been a problem with the animals, he knew they were there and he was hoping, in the future, that the ordinance could be amended so that it did not put people out of business if they were training such animals or using them for research or otherwise; he thought the intent was, in the beginning, to regulate exotic animals and the ordinance bans a certain group of animals. He stated that his comments were not criticism of the committee; that they had a very difficult decision to make.

Mr. Derrick stated that he wanted to offer an amendment to the motion but would preface that amendment with some comments. He stated that he understood there were USDA license holders in Lexington County and to the best of their knowledge this was above and beyond the requirements because if you have a pet you don't have to do anything. If someone has a USDA license, then other requirements apply. Mr. Derrick stated that he thought Council had a very poor representation of USDA when an employee appeared even though the people that wanted regulation wanted Council to hear the USDA representative so that Council would know how tough the regulations were, however, the representative of USDA was not too tough. He stated that there are people who have gone to the expense of building cages to meet USDA regulations, they are currently breeding and training animals for income, therefore, he wanted to add to the current provisions where it reads...this provision shall not apply to Riverbanks Zoo, Lexington County approved circuses and *current county residents with a USDA license*...so those already permitted can continue to do business in the county as they have in the past; seconded by Mr. Owens.

Mr. Davis opened the meeting for discussion.

Mr. Owens asked Mr. Derrick if he was asking to grandfather those people.

Mr. Derrick responded, yes.

Mr. Carrigg stated that he and Mr. Derrick get along very well, but he could not support the amendment. The rationale behind the ultimate regulation of these few animals, which is a ban of those animals, is for the protection of the citizens of Lexington County. He stated that he was not trying to say that Mr. Derrick was putting them in danger, he knew there were places that had been in operation and there had never been a problem, but given the fact that based upon the information he has received there is no capable agency to regulate them; that such animals do pose a severe danger to a citizen of the county if he comes face to face with one and it's not a good meeting. He stated that he did not feel he could support the amendment because he did not think you could say that it was too dangerous for someone else to have but it's okay if it's already here.

Vote on the Amendment:

In Favor:	Mr. Derrick	Mr. Owens
	Mr. Rucker	Mr. Wilkerson
Opposed:	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Cullum

Vote on Motion:

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Cullum	Mr. Rucker
	Mr. Jeffcoat	Mr. Carrigg
Opposed:	Mr. Derrick	Mr. Owens

Mr. Davis stated that ordinances can be amended.

Mr. Wilkerson stated that the committee had studied the proposed ordinance some three or four months; information had been received from USDA, PETA, other states, other agencies and it was not an easy decision to reach. He stated that the committee and Council feel that they are doing the right thing to protect the citizens in Lexington County. Mr. Wilkerson stated that he challenged the state to get involved, that he thought it was going to affect other counties, other counties will probably start addressing the matter and adopting ordinances and he felt there needed to be an overall state regulation on the issue; that it should not be done piecemeal by each county but should be done as a state issue. He stated that as other members of Council indicated, ordinances can be changed or amended.

**Ordinance 02-8 - Amendments to Animal Control Ordinance - 3<sup>rd</sup> & Final Reading** - Mr. Wilkerson stated that the Health and Human Services Committee met on Tuesday, December 10, 2002, to consider Ordinance 02-8, Amendments to the Animal Control Ordinance. A public hearing was held on November 12 at which no comments were received. No changes have been made to the amendments since second reading and the committee voted to recommend that council proceed with third and final reading.

A motion was made by Mr. Wilkerson and seconded by Mr. Jeffcoat that Ordinance 02-8 receive third and final reading approval.

Mr. Davis opened the meeting for discussion; none occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Carrigg
	Mr. Owens	Mr. Cullum

**Mutual Aid Agreements - Jumper Station and Caw Caw Fire Departments - Calhoun County** - Mr. Wilkerson reported that the committee also considered mutual aid agreements with Jumper Station and Caw Caw Fire Departments in Calhoun County during the afternoon meeting.

A motion was made by Mr. Wilkerson and seconded by Mr. Rucker that the mutual aid agreements with Jumper Station and Caw Caw Fire Departments be approved.

Mr. Davis opened the meeting for discussion.

The Clerk noted that staff learned there was an existing agreement with Jumper Station adopted in 1990 and the agreement proposed for adoption would replace the 1990 agreement.

Mr. Wilkerson reworded his motion to replace the 1990 Jumper Station mutual aid agreement with the proposed agreement and adopt the agreement with the Caw Caw Fire Departments; the second, Mr. Rucker, agreed.

Mr. Davis opened the meeting for further discussion; none occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Rucker	Mr. Derrick
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	Mr. Cullum

**Justice, J. Carrigg, Chairman - Law Enforcement - Grant - Domestic Violence Intervention Team (DVIT)** - Mr. Carrigg stated that the Committee did not have a report to make that the grant application had been withdrawn.

**Presentations - Ms. Miriam Atria, President/CEO, Capital City Lake Murray Country, P. O. Box 1783, Irmo - Tourism Status Update** - Ms. Atria stated that they wanted to welcome the new members to County Council and to extend their thanks to Council for all of the support over the years that has been extended to them in helping them do their job. She stated that their job was promoting the leisure visitor market for Richland, Lexington, Newberry, and Saluda counties, known as Capital City Lake Murray Country. Ms. Atria stated that they promote the area all across the United States and the world, and they were having great success. She stated that through the organization's marketing efforts and their daily input with visitors and potential visitors, the results show that hotel rooms, booked tee times, restaurant expenditures, non-resident fishing licenses revenues generated, marine gas tax funds generated as well as South Carolina Sales Tax funds generated, admission tax funds generated and even property taxes; all of these revenues are distributed throughout this region and obviously directly impact Lexington County. Ms. Atria stated that everyone shares the burden during these budget cutting times and we certainly all agree that our state and national economy has resulted in giving us a very challenging year; but please remember and please keep in focus on the fact that throughout these times tourism is South Carolina's largest industry and tourism feeds the economy daily. Each dollar spent on tourism promotion returns back to the community an additional \$30.00-\$35.00. Ms. Atria stated that their organization had been promoting the area for 20 years; they have been receiving from Lexington County in the past few years approximately \$100,000. Since July 2002, the organization has a golf program, a full-time PGA golf director and who is on his way to Cleveland to promote the area for golfers to come here. She stated that there are 22 golf courses in their golf program and they have booked hotel rooms, specifically Lexington County hotel rooms, and in seven major hotels and since July they have a 17% increase in those bookings. Ms. Atria stated that they have actually had people come from Australia, spend two weeks playing golf on six different courses. Another example, they have brought in 51 buses since July 2002; 51 buses each carrying approximately 50 people; each generating \$4,000 a day when they're out there shopping. She stated that the buses came from 14 different states. At the end of fiscal year, the organization will have hosted four major fishing tournaments on Lake Murray which result in free national TV exposure with a 30 second TV spot running on the

region and Lexington County. Since July they have had over 118,000 contacts to the visitor's center which does not include the website. Ms. Atria stated that the marketing and advertising budget was cut 22% so they were doing a great job for the county; they wanted Council to be aware of that and they hoped that Council would agree that the organization continues to show the return to Lexington County's investment and the other counties' investments as they continue to increase the tourism revenues. Ms. Atria encouraged Council members to contact her, that they wanted input and she also invited Council members to participate in the March 14 FLW (Forrest L. Woods, the inventor of the Ranger Boat) fishing tournament on Lake Murray, it would last for seven days, Chairman Davis was going to be asked to extend the official welcome to be held at the Sheraton.

Mr. Davis, on behalf of Council, stated that they appreciated what she and her staff have done and continues to do for the County.

**Mr. William W. Shipley, 1201 Putnam Drive, Chapin - Taxes/Time of Payment** - Mr. Shipley was not present.

**Executive Session/Legal Briefing** - A motion was made by Mr. Jeffcoat and seconded by Mr. Derrick that Council go into executive session to receive the legal briefing and discuss contractual matters.

Mr. Carrigg stated that he would not be present for the public hearings.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Carrigg
	Mr. Owens	Mr. Cullum

Mr. Davis reconvened the meeting in open session.

Prior to the public hearings, Chairman Davis read the guidelines for participation.

**6:00 P.M. - Public Hearings - Zoning Map Amendment M02-09 - 5162 Backman Avenue - Winters** - Mr. Davis recognized Mr. Bruce Hiller, Development Administrator, Community and Economic Development. Mr. Hiller stated that the applicant Jason Winters has requested that 5162 Backman Avenue be changed from Residential Local Four (RL4) to Local (L). He stated that Mr. Winters indicated on the application that the reason for the request is for him to be able to store cars on the property, no scrapping or dismantling of cars on site. Mr. Hiller reviewed the maps and area by using a power point presentation.

Mr. Davis noted that no one had signed up to speak in favor of the amendment.

Mr. Davis opened the meeting for comments from those in opposition to the request.

**Mr. Scott Yarborough, 121 Central Street, Lexington 29073** - I heard about this from my neighbor; I don't know exactly what he wants to do with the property. They made everybody else around the neighborhood get rid of the junk cars and stuff. Man across the road, man lives behind me, I don't know, I know he said something about a towing outfit, I don't know if I've ever seen a tow truck on that road, other than maybe leaving the body shop that McCracken

owns. I was here for the McCracken deal and I know the people made a big deal about him having junk cars and stuff and Mr. McCracken's never had any junk cars laying around his yard. I think as long as he wants to park a few cars there and tow them and keep them for a few days in storage, that's fine, I just don't want a junk yard. I don't know a better way to say it. I don't have a problem with somebody making a living.

**Ms. Anna Soza, 5118 Backman Avenue, Lexington** - I put I was opposed with a question mark by it because I just want to get some answers. With your permission I will read it because I read better than I say things without looking at them. My name is Anna Soza and I live at 5118 Backman Avenue, Lexington 29073; it's one of the first houses that you come to down the road. I've lived there for 28 years and I've always assumed that it was a residential area with the exception of Mr. McCracken who has the body shop up there. He came in shortly after I did and built the body shop and he's grandfathered in there and that's not a problem as I'll tell you again. I have some concerns and Mr. Winters answered one or two of them for me. I have some concerns about changing it because I didn't know what that change meant, didn't tell me exactly what it meant and does it mean we're no longer a residential area and just any kind of business can come in and do whatever they please, or do they have conditions. If so, then that would change the nature of Backman and we're basically a residential area.

Alright, the paper states that this will be done in order that Mr. Winters can store cars and he answered that for me, I think, but I just wondered if that meant two or three cars or if it was a fancy way to say junk yard, so I didn't know, but I'm getting a better idea after listening to people. And my third concern is Central Street leads to Mr. Winter's property just as much as Backman does, so why is it not included in there; and Mr. Winters said because his address was Backman Avenue which is okay, but would he be going down on that side too just as much as he would Backman or does he have to go down Backman. I know that's picky, but I just want to know. And so, why wasn't it listed.

Fourth concern is our road is not in the greatest shape and some of you if you ever go down it and up and down it, you'll know what I'm talking about and it's in constant repair and I bet tons of dirt and rocks and everything else has been put there and it's not, more traffic isn't doing it any good and so the road really needs to be paved if it's going to be much more work like that.

I'm not against business and I can give you good example. Now, I live across from Mr. Randall McCracken and he owns that body shop and we have lived there together peacefully and I have never had a problem with his business. He's an asset to our community and a very fine person. In fact, whenever there was a hearing about him, a little trouble about him being grandfathered in, I came in and I fully supported him and I'm not against Mr. Winters, if he has rules to go by, you know not just anything, but if he has certain things that he has to do and keeps his place neat and I'm not affected by appearances like a lot of other people because, I frankly, I wouldn't know about it because I'm on one end and they're way down on the other end of the road, but I would be if this is going to turn out to be a great big business, I would be against all the increased traffic and all that dust picking up and the rocks and noise because it could be created, but I don't know whether it would be or not.

So I have mixed emotions because I know that he needs to make a living and he bought the property probably thinking he could do this and I realize that the person ought to be able to do what they want to do within reason. But at the same time, I selfishly would like to make sure

that having a car yard, I guess I'm going to say that nice instead of a junk yard, would not have a negative affect on our neighborhood. And that's what I ask basically. And thank you for letting me speak my mind and good luck which ever way it goes and I'll cheerfully abide by whatever happens. Thank you.

**Ms. Diana Keisler, 410 Cross Street, Lexington 29073** - I've been there 22 years and it's been residential down in the...on the dirt road and we have, our road is not in good repair for a business going down there, I don't, I mean I've seen the trucks go down in there maybe lost, they've gotten stuck, had to be towed out and last year we had a lot of work done and it was repaired some, but then the rains came and it's washed away again and I'm sure you all probably remember us getting a lot of work done last year or year before last and so we're, we just don't want a business that keeps the roads in a mess and like you say we don't need a, I admit that we had a car we had to have moved away last year, this past summer. My husband's mother's car was there and we had to get rid of it. So I thought everyone was getting rid of the cars and now they want to store them. That's really all I have to say. I just don't think we're equipped for a business down in the bottom where the roads are continuously being washed away when we get a shower of rain, blessed with a shower of rain. Thank you.

**Mr. W. F. Backman, 470 Oak Street, West Columbia 29170** - I was born and raised on this piece of property the 22<sup>nd</sup> day of October 1917 and I was there until '42 when Uncle Sam gave me a job. So, I live in South Congaree on 470 Oak Street and I still have two acres of property joining this property that you're having a problem with now that I was saving for my granddaughters, two of them. Well Diane has two acres I gave her, you know, earlier and since they don't make any more land I said we better save them a little bit. So I would rather they didn't have to live by a junk yard, but if that's what it becomes, then maybe we'll have to go with it, I don't know. So I thank you for letting me say that because, yeah, I knew all about this piece of property because, like I say, I stayed around out there a long time.

Mr. Davis asked Mr. Backman if he helped name the road.

Mr. Backman stated that when the road was built, it was built with a horse and wagon, a mule and wagon, we never did own horses, we used mules there and we had a little two horse farm up there, it was 100 acres at one time, but it dwindled away. My daddy divided up this property among seven kids and this two acres Diane has and these two acres my granddaughters can expect were part of mine. I've paid taxes on it since 1968 and I haven't cut the first piece of fire wood off of it yet and the taxes, believe me, are out of sight right now, I couldn't sell it for the amount of money I've paid for taxes on it, because this year along was three hundred and some dollars and it doesn't take many of those years before land that was appraised for, I believe, \$750.00 when he gave it to me, I don't know, but it's gone up considerably according to that.

**Mr. E.A. Bailey, 1426 Duke Street, West Columbia 29169** - The proposed site of this storage is right adjacent to a section of property that I own. If you're looking at the map, it's just to the left, that with the rounded on it, like 39.86 acres or something like that. Like the rest of them, I don't want to be too hard to get along with, but I think this; that a towing service storage place will become a junk yard and once it's in there, it will not be taken out and the problem is that is a residential area and I've driven up and down Backman Street and there's some really nice homes there, there's some nice places out there and I don't think that having what will eventually turn into a junk yard is going to do the entire area any good. That's basically all I have to say and I

thank you for hearing that.

**Ms. Evelyn W. Bailey** - Ms. Bailey stated that she did not have anything to add.

**Mr. James K. Shamblin, 243 Highland Drive, Lexington 29073** - I live on the property owned by Mr. Bailey, the 40 some acres which is behind the property where they want to put the towing service/storage facility. I frequent junk yards quite a bit and there's a gentleman lives right up the road from us that has a towing service that has actually had to make him move his cars three or four times in the five years that I've lived on the property. When you showed the map up there you showed it as vacant and it's definitely not vacant. You can ask anybody in the neighborhood, they know I'm there. The only thing that I've really seen about a junk yard especially being this close to a water source is that it's going to give a harbor for snakes, for rats, and other things of that nature and I got three children out there and they play around these fields out here and I'd really not like to have them put at danger or at risk. I don't own the property and it's not up to me what happens to it, but if it would be up to me and I owned some property out there, which hopefully one day I will, I definitely don't want to be burdened with that because you're going to have a lot of traffic coming back and forth, people coming to get their cars, leaving cars, trucks hauling cars which is going to add a lot of extra weight to the road which is going to be wear and tear and it's real soft out there. I've got my car stuck up in the driveway three or four times just trying to get home and that wasn't hauling anything. And we had a truck come through one time it was doing some work on the power lines, dug a big trench and I could not get off the property. Like I say, I don't really have any right to say anything about it, but I've lived there for the last five years on this property and I can't see where the extra added traffic or the cars laying around with whatever living in them and growing around them would be of any benefit to anybody that lives anywhere close to it. Thank you.

**Mr. Charles Jackson, 156 Highland Drive, Lexington 29073** - I own property on Lawrence Drive which Backman ends into Lawrence Drive. I presently live across from a towing service and I've had to have the county out there three different times to have them move junk cars out of there, I mean oodles of them and not only is it the appearance of the cars, but they pile old junk motors and greasy stuff and all of it goes into the ground in the water source and it's a sore eye for everyone in the community and personally, I hate to see any kind of business like this go in and all that the cars sit there, they let them grow up in between them and all this type stuff so it's very, very, hard to look at especially when you live right across the street from it like I do now. So I do oppose it. I hope that you folks will realize this and take that into consideration when you make this decision. Thank you very much.

**Mr. Jamie Brinegar, 5154 Backman Avenue, Lexington 29073** - I live two lots up from the lot in question. I share a lot of concerns that the other people have shown and I moved there about five years ago and my wife and I, we now have two children, five years old and one year old and we like the area that we are in because it's so quiet, there's no through traffic, you know, at the two streets you know end at each other, there's no through traffic. Over time, I have seen a rollback come through, you know, that's no big deal but there's, it's already cars behind the person's house. There's a lot of cars back there. And I share concerns like everybody else. I have a well. We already have problems; luckily it hasn't come down that far, but we have the contaminated well water at, I know, at Six and Two Notch from that thing that happened a couple of years ago. I don't want gas and oil seeping into the ground and contaminating my water and I also don't, hate to sound paranoid, but last year we had a rather big scare with the West Nile virus. Open cars, if they're wrecked or they're damaged, you know there's going to be water



building up and that's going to breed insects and I don't want that either. I'm opposed, if I need to sign, just let me know.

No one else spoke in favor or in opposition to the amendment.

**Zoning Map Amendment M02-10 - 2141 Lake Murray Boulevard - Wise** - Mr. Davis recognized Mr. Hiller.

Mr. Hiller stated that the request is to rezone 2141 Lake Murray Boulevard from Low Density Residential (R1) to Neighborhood Commercial (C1). He stated that the application was submitted by Ms. Elizabeth Wise, owner of the property. Her reason for the request as stated on the application is to be able to market property commercially. Mr. Hiller reviewed the request by the use of a power point presentation.

Mr. Davis stated to Ms. Wise that she did not sign to speak in favor of the request, but asked if she would answer some questions to which she replied yes.

Mr. Jeffcoat asked Ms. Wise to give her name and address.

Elizabeth Wise, 2141 Lake Murray Boulevard, Columbia 29212.

Mr. Jeffcoat stated to Ms. Wise that he was her Council representative in that area and certainly would like to work with her as much as possible, but there has been an unspoken rule sometimes that we'd like to know a little bit about what her plans were; was it just to change the classification so she could sell the property, was there anyone who has applied to you to put some business there. Mr. Jeffcoat stated that Ms. Wise did not have to say who it was, he just wanted to know if there were any definite plans other than just rezoning the property.

Ms. Wise stated there were other plans because she had had a few speak to her about it, but it is residential and she would rather have it to commercial for marketing.

Mr. Jeffcoat stated that one of his concerns would be that it does back up to the golf course and so we would be real curious as to what the plans were, there's a lot of expensive property, a lot of expensive homes back there around that golf course and I know there are buffers and the golf course adjoins it, but there is a concern there about what might take place on Ms. Wise's property. Mr. Jeffcoat stated that he and Ms. Wise would discuss this later.

There being no further comments in favor or opposed, the public hearing was closed.

**Executive Session/Legal Briefing** - Mr. Davis stated that Council need to continue the executive session/legal briefing.

A motion was made by Mr. Wilkerson and seconded by Mr. Rucker that Council return to executive session to finish discussion of contractual matters and receive the legal briefing.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Rucker	Mr. Derrick
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Absent: Mr. Carrigg\*

\*Mr. Carrigg left the meeting prior to the public hearings.

Mr. Davis reconvened Council in open session.

**Matters Requiring a Vote as a Result of Executive Session** - Mr. Davis reported that there were no motions to be considered as a result of the executive session.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black  
Clerk

George H. Smokey Davis  
Chairman